

REMARKS

An Amendment and Response Under 37 C.F.R. §1.116 was filed on July 24, 2007, and a Notice of Non-Compliant Amendment was issued on August 2, 2007 in response to the Amendment and Response Under 37 C.F.R. §1.116 filed on July 24, 2007. The Notice of Non-Compliant Amendment asserted that the drawings were not made relative to the previous amendment of December 23, 2005, and that the status identifiers of claims 29 and 33 were incorrect. Applicants have, by the present Response Under 37 C.F.R. §1.116, submitted a new replacement drawing which makes changes relative to the previous amendment of December 23, 2005 and has provided the proper status identifiers for claims 29 and 33. Accordingly, reconsideration and withdrawal of the Notice of Non-Compliant Amendment is respectfully requested. The remainder of the remarks below are substantially identical to the remarks submitted previously in the Response Under 37 C.F.R. §1.116 filed on July 24, 2007.

Upon entry of the present Amendment, Fig. 3, the specification and claims 1, 3 and 5 will have been amended and claims 2 and 6 will have been canceled. Claims 1, 3-5, 7-10, 12-14 and 25-33 are presently pending in the application, with claims 4, 8, 13, 25, 29 and 33 withdrawn from consideration as drawn to a non-elected species. Regarding the finality of the Examiner's restriction requirement, Applicants expressly reserve the right to file one or more divisional applications directed to the non-elected subject matter.

Objection to the Drawings

The Examiner has objected to the drawings, under 37 C.F.R. § 1.83(a), requesting that Applicants show the spring that supports the rod, and further show the three inner diameters. In this regard, Applicants have amended Fig. 3 to show the three inner diameters and the rod, (and have

correspondingly provided clarifying descriptions thereof at appropriate places in the Specification). No new matter has been added. For example, the rod 320 is the same rod previously shown in, *inter alia*, Fig. 1. Applicants thus respectfully request withdrawal of the objection to the drawings.

Objection to the Specification

In the outstanding Official Action, the Examiner objected to claim 2, requiring proper antecedent basis. Without agreeing to the propriety of the objection, Applicants have canceled claim 2, and request withdrawal of this objection.

Objection to the Claims

The Examiner has objected to claims 5 and 7 because of obvious clerical errors. In compliance with the Examiner's objection and without agreeing to the propriety thereof, Applicants have amended claims 5 and 7 to correct these errors. Further, Applicants have amended claims 3 and 7 to depend from a non-canceled claim. Applicants thus request withdrawal of this objection.

Rejections Under 35 U.S.C. § 102

In the outstanding Official Action, the Examiner rejected claims 1, 2, 26 and 30 under 35 U.S. 102(b) as being anticipated by BAUER (U.S Patent No. 3,648,999), finding that this reference discloses each limitation of these claims. Applicants respectfully traverse the Examiner's rejection, and note that claim 1 has been amended to generally include, *inter alia*, the limitations of claim 2 (now canceled) and certain limitations of claim 10. In this regard, Applicants respectfully note that

BAUER only discloses two inner diameters, and that the Examiner's identified "third" inner diameter A7 is the same as the first diameter A5. Thus, Applicants note that BAUER fails to disclose at least the limitation of the spring mount being positioned at a region of said spring support located between the second inner diameter and the third inner diameter, as claimed in independent claim 1.

In the outstanding Official Action, the Examiner also rejected claims 1-3, 26 and 30 under 35 U.S. 102(b) as being anticipated by RILEY (U.S Patent No. 4,910,376), finding that this reference discloses each limitation of these claims. Applicants respectfully traverse the Examiner's rejection, and note that RILEY fails to disclose at least a spring that supports a rod at a central portion of the spring and biases the rod as the rod elastically moves back and forth. Specifically, the "spring" identified by the Examiner as corresponding to the claimed spring is an outer electrode 21, which does not engage a rod, but rather has fingers which surround (*i.e.*, they do not support) a rod which is plug-welded to a washer (*see, e.g.*, col. 2, lines 42-55), the latter which the fingers contact to produce an electrical current therethrough. While RILEY does disclose a spring loaded electrode 20, this element is not supported by a spring support and is not secured by a coupling ring, as generally claimed in claim 1.

The Examiner has rejected claims 5, 6, 9, 27 and 31 under 35 U.S.C. § 102(b) as being anticipated by COX et al (U.S Patent No. 2,753,544), finding that this reference discloses each limitation of these claims. Applicants respectfully traverse the Examiner's rejection, and note that claim 5 has been amended to generally include, *inter alia*, the limitations of claim 6 (now canceled) and certain limitations of claim 10. In this regard, Applicants respectfully note that COX fails to disclose at least a third inner diameter that is smaller than the second inner diameter, wherein the spring mount is positioned at a region of said spring support located between the second inner

diameter and the third inner diameter. Rather, in COX, the third inner diameter A7 is larger than the second inner diameter A6.

The Examiner has rejected claims 5, 6, 9, 27 and 31 under 35 U.S.C. § 102(b) as being anticipated by PETTY (U.S. Patent No. 2,348,225), finding that this reference discloses each limitation of these claims. Applicants respectfully traverse the Examiner's rejection, and note that PETTY fails to disclose at least the claimed a generally annular spring support comprising a spring mount that projects on an inner side of the spring support and is configured to support the spring, said spring support having three inner diameters comprising in this order, a first inner diameter, a second inner diameter and a third inner diameter that is smaller than the second inner diameter, wherein said spring mount is positioned at a region of said spring support located between the second inner diameter and the third inner diameter. To the contrary, the "spring support" 10 of PETTY only discloses two inner diameters A5 and A6, and that the Examiner's identified "third" inner diameter A7 is that of the Examiner's identified spring mount 30. In this regard, the Examiner's interpretation is impossible because independent claim 5 recites, *inter alia*, that the spring mount is positioned at a region of said spring support located between the second inner diameter and the third inner diameter, and as such the "spring mount" 30 of PETTY cannot be positioned at a region of its own (third inner) diameter.

With respect to the Examiner's rejection of dependent claims 3, 6, 9, 26, 27, 30 and 31 under 35 U.S.C. § 102(b), Applicant submits that these claims are dependent from one of allowable independent claims 1 and 5, which are allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all

dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Absent a disclosure in a single reference of each and every element recited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1 and 5, these claim and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 102.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 10, 12, 14, 28 and 32 under 35 U.S.C. § 103(a) as being unpatentable over PETTY in view of U.S. Patent No. 5,067,847 to MULLENBERG. Specifically, the Examiner has found that PETTY teaches all limitations of these claims except for the holes 34 being threaded, but has found that MULLENBERG teaches such a feature, and concludes that it would have been obvious to use MULLENBERG's threaded holes in the device of PETTY. Applicants respectfully traverse the Examiner's rejection. Specifically, Applicants note that the Examiner has relied on PETTY for the disclosure of three inner diameters. In this regard and as discussed *supra*, the "spring support" 10 of PETTY only discloses two inner diameters A5 and A6, and that the Examiner's identified "third" inner diameter A7 is that of the Examiner's identified spring mount 30. In this regard, the Examiner's interpretation is impossible because independent claim 5 recites, *inter alia*, that the spring mount is positioned at a region of said spring support located between the second inner diameter and the third inner diameter, and as such the "spring mount" 30 of PETTY cannot be positioned at a region of its own (third inner) diameter. Further, claim 10 recites the closed-ended "consisting of", thereby requiring no more or less than first, second

and third inner diameters. Using the Examiner's (improper) claim construction (*i.e.*, the consideration of elements 10 and 30 as the spring support), then the spring support would appear to have more than three inner diameters, which is outside of the claimed limitation. Thus, even assuming *arguendo*, that the teachings of PETTY and MULLENGER have been properly combined; the proposed combination still would not have resulted in the features of the present disclosure as recited in claim 10 (as well as claims 12, 14, 28 and 32 depending therefrom). More specifically, PETTY and MULLENGER, alone or in any proper combination, do not disclose at least the generally claimed spring support having three inner diameters, consisting of, in this order, a first inner diameter, a second inner diameter and a third inner diameter.

With respect to the Examiner's rejections under 35 U.S.C. § 103 of dependent claims 12, 14, 28 and 32, since these claims are dependent from allowable independent claim 10, which is allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record.

For each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the Examiner's rejections are inappropriate and improper. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an action indicating the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Applicants note that the amendments to the claims generally incorporate limitations from claims that have already been examined (*e.g.*, claims 2, 6 and/or 10), and the present amendment therefore does not raise new issues that would require further consideration or search by the Examiner.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have traversed each of the Examiner's objections and rejections and have made appropriate amendments to the claim language to overcome various of the Examiner's objections to the claim language. Applicants have further amended the claims to clarify their recitations. Applicants have discussed the disclosure of each of the Examiner's references and have pointed out the shortcomings and deficiencies thereof with respect to the features recited in Applicants' claims.

Applicants have noted the lack of motivation for the proposed combination. Applicants have further provided a clear evidentiary basis for the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (*e.g.*, for cosmetic and/or clarification purposes and/or to render the claim terminology consistent throughout the claims), and no estoppel should be deemed to attach thereto.

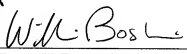
Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Reuven UNGER et al.

Attachment: 1 sheet of replacement drawings

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